

### REMARKS

The Office Action mailed March 27, 2003 has been received and the Examiner's comments carefully reviewed. Claims 1 and 7 have been amended. Claims 23-38 have been added. No new subject matter has been added. Claims 1-38 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

### Interview Summary

Applicants' below signed representative conducted a telephone interview with Examiner Stephanie Harris and Supervisory Patent Examiner, Peter Cuomo, on July 1, 2003. The interview was directed toward the applicability of various references cited by the Examiner and the recited limitations of the currently pending claims. In light of the discussion, the Examiners indicated that no claim amendments were required and suggested submitting arguments for consideration. The Examiners are thanked for their time in discussing this matter with Applicants' representative.

### Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-5, 7, 9, and 10 under 35 U.S.C. §102(b) as being anticipated by Downer (U.S. Patent 5,112,103). Applicants respectfully traverse this rejection.

Downer discloses a stool having a saucer-shaped seat 1 mounted to one end of a vertical column 2. The bottom of the column 2 rests on a rounded base 4. Columns 1 and 2, lines 53-54 and 16-19.

Independent claims 1 and 7 each recite a stool having a base that is elongated from the back to the front along a longitudinal axis. Downer does not disclose a base that is elongated from the front to the back; rather, the base 4 of Downer is round. Further, Downer does not disclose a base having an upwardly extending nose (claim 1) or sides that converge toward a nose (claim 7). At least because Downer does not disclose the structural limitation of an elongated base having a nose, Applicants respectfully submit that independent claim 1 and 7, and dependent claims 2-5, 9 and 10 are patentable.

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**Rejections Under 35 U.S.C. §103**

I. The Examiner rejected claims 1-5, 7, 10, 15-17, 19, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over Downer (U.S. Patent 5,112,103) in view of Willingham (U.S. Patent 5,887,951). Applicants respectfully traverse this rejection.

A. Claims 1-5, 7, and 10

As previously discussed, Dower does not teach or suggest an elongated base as recited in independent claims 1 and 7. Willingham also does not make up for the deficiencies of Dower as Willingham relates to a seat 10. The seat 10 of Willingham is contoured to receive a buttox and maintains posture. Willingham simply does not teach or suggest the seat 10 being attached to a post and an elongated base. Willingham also does not teach or suggest that the seat 10 could be used as a base and attached to another seat by a post. Applicants therefore respectfully submit that independent claims 1 and 7, and dependent claims 2-5 and 10 are patentable.

B. Claims 15-17

Independent claim 15 recites a method of gardening including providing a stool having a base with a convex region and a flattened region, a seat, and a post connecting the seat to the base. Dower does not disclose a base having the recited structural limitations of a base, i.e. a base with a convex region and a flattened region. Willingham also does not make up for the deficiencies of Dower as Willingham does not teach or suggest a seat attached to a post and a base having convex and flattened regions. Applicants therefore respectfully submit that independent claim 15, and dependent claims 16 and 17 are patentable.

C. Claims 19, 21, and 22

Independent claim 19 recites a stool having a base that is elongated from the front end to the back end and defining a longitudinal axis. At least because neither Downer nor Willingham teach or suggest an elongated base, Applicants respectfully submit that independent claim 19 and dependent claim 21 and 22 are patentable.